IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1149 OF 2006.
IN
FIRST APPEAL NO. 400 OF 2006.

The State of Maharashtra & anr. ... Applicants.
Versus.
Laxmibai Waman Sant & anr. ... Respondents.

Shri A.S.Khadapkar, A.G.P. for the Applicants.

CORAM : ABHAY S.OKA, J.

DATED : 17th April, 2006.

P.C.:

1. Heard the learned A.G.P. for the Applicants.

Prayer in this application is for grant of stay of execution of the impugned Judgment and Award made under section 18 of the Land Acquisition Act, 1896. Considering the nature of Award, stay cannot be granted unless the entire amount payable under the Award is deposited by the Applicants with the Reference Court.

2. Hence the following order is passed:

i) There will be interim relief in terms of prayer clause (b) subject to condition that the Applicants will deposit with the Reference Court the entire amount due and payable under the impugned Award within a period of 12 weeks from today. If the amount is not deposited within the stipulated time, the interim stay granted will stand vacated without reference to the

Court.

ii) If the amount is deposited, the original Claimants will be entitled to withdraw the same on furnishing security to the satisfaction of the Reference Court.

iii) Application is disposed of accordingly.

iv) As this order is passed without notice to the Respondents, they will be at liberty to apply for modification of this order.

Judge.